IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4173 OF 2005

Rajendra Joint Co-op.Agricultural
Society, Sankh & Anr. ..Petitioners.

Versus

Shri Krishna Akaram Patil & Ors. ..Respondents.

Mr. T.S. Ingale for the Petitioners.

Mr. Pritan Killedar for Respondents 1 to 5.

Mr. D.A. Patil, AGP for the Respondents 6 to 9.

CORAM : S. A. BOBDE, J.

DATED : 14TH JULY, 2005.

P.C.:

1. Rule, returnable forthwith.

2. Mr. Pritan Killedar waives service of rule for the Respondents 1 to 5. Mr. Patil, AGP waives service of rule for Respondents 5 to 9.

3. Heard by consent.

4. The petitioners are aggrieved by the order in

the RTS proceedings, as a result of which their names are deleted from the record of rights in respect of the property in question. Mr. Ingle, learned counsel for the petitioners, accepts the fact that the civil suit for title has been filed by the petitioner No.2 in respect of the same land and that is pending. Undoubtedly, it is the decision in the civil suit which will decide the title of the property. Mr. Ingale further submitted that the petitioners have applied for a loan in regard to development of the property in question and the bank has held up the loan because the mutation entry is not in the petitioners' favour. That is no ground for interference in view of the settled position of law that mutation entry do not either confer or divest the title in a person.

5. Hence, there is no reason to interfere in this petition and the same is hereby dismissed.

6. The petitioners shall be at liberty to apply for change in the mutation entry in accordance with the decision in the civil suit filed by them. The civil suit shall be decided on its own merits.

14.07.2005 (S.A.BOBDE,J.)